

Message Text

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PAGE 01 NAPLES 01012 290803Z

ACTION SCS-05

INFO OCT-01 EUR-12 ISO-00 SCA-01 L-03 IO-14 DHA-02

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FM AMCONGEN NAPLES

TO SECSTATE WASHDC PRIORITY 5534

UNCLAS NAPLES 1012

E.O. 11652:N/A

TAGS: CARR, IT

FOR SCS

SUBJECT:LEGAL REPRESENTATION AVAILABLE TO AMERICANS ARRESTED ABROAD.

REFERENCE: STATE 147704

ARTICLE 24 OF THE ITALIAN CONSTITUTION AND ROYAL DECREE NO. 3282 OF DECEMBER 30, 1923, PROVIDE THAT A DETAINEE, REGARDLESS OF HIS NATIONALITY, WHO IS UNABLE TO AFFORD PRIVATE LEGAL COUNSEL MAY BE DEFENDED BY THE "GRATUITO PATROCINIO" (PUBLIC DEFENDER) PROVIDED HE DIRECTS A WRITTEN REQUEST TO THE TRIAL JUDGE AND THE REQUEST IS APPROVED. THE REQUEST MUST BE ACCOMPANIED BY A CERTIFICATION FROM THE MAYOR OF THE ACCUSED'S CITY OF RESIDENCE ATTESTING THAT HE IS A PAUPER. IN CASES OF NON-RESIDENT FOREIGNERS, INCLUDING AMERICANS, THE CERTIFICATION MUST BE MADE BY A CONSULAR OFFICIAL OF THE DEFENDANT'S COUNTRY OF NATIONALITY. AN ALTERNATIVE PROCEDURE,

PAGE 02 RUFRSGG4440 UNCLAS NAPLES 1012

FOLLOWED IN PRACTICALLY ALL CASES OF INDIGENT DEFENDANTS, IS FOR THE INVESTIGATIVE (PRE-TRIAL) JUDGE TO APPOINT A LAWYER TO DEFEND THE ACCUSED IF HE HAS NOT RETAINED ONE ON HIS OWN. SINCE THE COURT-APPOINTED LAWYER RECEIVES NO COMPENSATION FROM PUBLIC FUNDS FOR HIS SERVICES HE MUST LOOK TO THE DEFENDANT FOR PAYMENT, WHICH SELDOM HAPPENS. IT IS THEREFORE REASONABLE TO EXPECT THAT A COURT-APPOINTE LAWYER IS NOT LIKELY TO PUT FORTH AS MUCH EFFORT ON BEHALF OF AN INDIGENT DEFENDANT AS WOULD A PRIVATE COUNSEL WORKING FOR A CLIENT

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PAGE 02 NAPLES 01012 290803Z

WHO IS ABLE TO PAY. COLANTONIO

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Disposition Case Number: n/a
Disposition Comment:
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Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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